

## **REMARKS**

Claims 1-3, 5-12, 14-29, 31-33 are pending in this application. By this Amendment, claim 29 is amended to address a rejection under 35 USC 112.

Entry of the amendments is proper under 37 CFR 1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendment only corrects a minor typographical error; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to a claim rejection raised in the final rejection. Entry of the amendments and reconsideration of the application are thus respectfully requested.

### **I. Rejection Under 35 USC 112**

Claim 29 was rejected under 35 USC 112, second paragraph, as allegedly being indefinite. These rejections are respectfully traversed.

Claim 29 is amended to depend from claim 1 as suggested by the Patent Office.

Applicants submit that amended claim 29 is definite and in accordance with 35 USC 112, second paragraph.

Thus, Applicants respectfully request withdrawal of the rejections under 35 USC 112, second paragraph.

## **II. Rejection Under 35 USC 102**

Claims 1, 2, 5, 7, 8, 14, 15, 19, 20, 23, 31 and 32 were rejected under 35 USC 102(e) as allegedly being anticipated by US Patent Publication No. 2006/0057318 to Tachino et al. (hereinafter “Tachino”). Applicants respectfully traverse this rejection.

Tachino’s filing date is December 27, 2002; however, the filing date for the German priority document (i.e., DE 102 60 072.4) for the present application is December 19, 2002. Applicants will be submitting a certified translation of the German priority document, thus perfecting Applicants’ priority claim and obviating these grounds for rejection.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

## **III. Rejections Under 35 USC 103**

Claim 29 was rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino; Claims 3, 22 and 25 are rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of US Patent Publication No. 2002/0055006 to Vogel et al; Claim 6 was rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of US Patent No. 5,679190 to Riedel; Claims 10 and 11 were rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of WO 99/64239 to Mientus; Claim 12 was rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of US Patent No. 6355344 to Mamish et al.; Claims 16 and 33 were rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of EP 333294 to Tanaka; Claim 21 was rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of US Patent Publication No.

2007/0207332 to Chen; Claim 24 was rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of US Patent No. 5,405,565 to Sumida; and Claims 9 and 28 were rejected under 35 USC 103(a) as allegedly being unpatentable over Tachino in view of US Patent No. 6,927,267 to Varela de la Rosa et al.. These rejections are respectfully traversed.

As discussed above with respect to the rejection under 35 USC 102, Applicants will be submitting a certified English-language translation of the German priority document, thus perfecting the applicant's priority claim and obviating these grounds for rejection.

Thus, withdrawal of these rejections under 35 USC 103(a) is respectfully requested.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-12, 14-29 and 31-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS MC LAUGHLIN & MARCUS, P.A.

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